



Anna G. Eshoo
14th Congressional District of California

Floor Statement
H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005
The Honorable Anna G. Eshoo
September 29, 2005

I rise to oppose the Pombo bill and in support of the reforms in the substitute amendment offered by Representatives George Miller and Sherwood Boehlert.

The *Endangered Species Act* is a cornerstone of environmental protection. I'm very proud that one of my predecessors in the Congress, Pete McCloskey, was a leader in enacting this bipartisan law.

After more than 30 years, it's worth reevaluating and updating this law to better meet its objectives. I understand some of the frustrations that constituents have with the current law, but I don't think we should throw "the baby out with the bathwater" as the underlying bill would do.

While critics rightfully point out that we need to do more to help endangered species recover so they can be removed from the endangered list, the fact is the *Endangered Species Act* has been highly successful, with 99% of species listed under the *ESA* being saved from extinction.

I have very deep concerns about the bill before us today.

First, the bill requires the federal government to pay developers' costs in complying with the *Endangered Species Act* whenever even a portion of a property is impacted. There's no limit on the compensation payments that would be paid. The Congressional Budget Office has said this is a new entitlement that will increase spending by billions of dollars and establish a dangerous precedent. Imagine, for example, the federal government paying a factory owner for the costs of complying with the *Clean Air Act* when a decision is made to expand the plant. That's the principle this bill will establish. It's an extraordinary mistake.

Second, the bill removes protections against the use of hazardous pesticides. It's estimated that 67 million birds die each year from the effects of pesticides. These protections must be kept in place. One of the reasons the *Endangered Species Act* was adopted in the first place was to address declines in the population of the bald eagle caused by DDT.

Third, the bill strips the National Oceanic and Atmospheric Administration of its role in administering the *Endangered Species Act*, transferring it to the Department of Interior with no assurance whatsoever that this agency will have the resources or the expertise to take on this responsibility.

Fourth, the bill reduces the role of science by ending the current requirement that federal agencies consult with wildlife biologists before undertaking actions that might harm endangered species.

The Miller-Boehlert Substitute makes great sense if we want to capitalize on the successes and the lessons of the last 30-plus years.

The substitute will repeal the current requirement that the Secretary designate "critical habitat" for endangered fish, wildlife, and plants *before* formulating a plan for species recovery. Instead, the substitute requires real habitat recovery efforts to conserve rare and threatened fish and wildlife. It ensures that recovery plans include the best possible science and that they're enforceable.

The substitute directs the Secretary to first determine whether public lands are sufficient to protect and save the endangered species *before* taking other measures that will impact private landowners.

The substitute will help small landowners who may not have the resources to comply with the *Act*. It will provide dedicated funding for technical assistance for these private property owners and establish a conservation grants program for landowners who help conserve the species on or near their property. It contains requirements that private citizens get timely answers from *ESA* enforcement agencies and insists on reporting requirements so that we know how many applications are really going unanswered.

The reforms in the substitute make sense and they should be adopted. The base text should be rejected.